

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

STEVEN SHOCKEY

CIVIL ACTION NO. 04-2374

VERSUS

JUDGE ROBERT G. JAMES

POLAR CORP., ET AL.

MAG. JUDGE KAREN L. HAYES

RULING

Pending before the Court is a Motion in Limine [Doc. No. 78] filed by Defendant Polar Corp. (“Polar”). Shockey has opposed the motion. *See* [Doc. No. 83].

The Motion in Limine is GRANTED IN PART and DENIED IN PART. To the extent that Polar moves to exclude any evidence regarding an alleged design defect, its motion is DENIED. In its Ruling [Doc. No. 105] on Polar’s Motion for Summary Judgment, the Court declined to adopt Magistrate Judge Hayes’ Report and Recommendation and granted Plaintiff Steven Shockey (“Shockey”) leave to amend his Petition to add a design defect claim. Therefore, evidence regarding this claim is relevant and is admissible at trial, as long as it meets the other requirements under the Federal Rules of Evidence.

To the extent that Polar moves to exclude any evidence of expenses paid by Shockey’s employer, [Doc. No. 78, ¶ 16], Polar’s motion is DENIED. *See* [Doc. No. 103] (granting Shockey’s Motion in Limine to exclude evidence of payment of worker’s compensation benefits under the collateral source rule).

To the extent that Polar moves to limit the testimony of Shockey’s expert, Bryan Durig,

to the contents of his written report(s) [Doc. No. 78, ¶ 14], Polar's motion is GRANTED.

MONROE, LOUISIANA, this 26th day of May, 2006.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE